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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/525,530	02/24/2005	Hermes Reyes Cuadros	05019	7076

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DENNISON, SCHULTZ & MACDONALD
1727 KING STREET
SUITE 105
ALEXANDRIA, VA 22314

EXAMINER

LIU, JONATHAN

ART UNIT	PAPER NUMBER
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3673

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/05/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/525,530	Applicant(s) REYES CUADROS, HERMES	
	Examiner Jonathan J. Liu	Art Unit 3673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Colombia on 9/26/2002. It is noted, however, that applicant has not filed a certified copy of the CO 02075481 application as required by 35 U.S.C. 119(b). Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 5 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. It is unclear to the examiner what is meant in claim 6 – "...comprise a padded material integrated by attachment of the textile material, said layer containing cotton, and the perforated latex or natural rubber layer" – in claim 5, there are 5 distinct claimed layers on each face; in claim 6, it appears that applicant is trying to claim that the outer textile padded layer comprises some of the distinct layers previously claimed. It is unclear to Examiner how this is possible.

Art Unit: 3673

4. Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claim 6 recites the limitation "the textile material layer" in line 3. There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required.

6. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors. Appropriate correction is required.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 5-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sohn et al. (US 2,471,125) in view of Blecker et al. (US 3,255,469). Sohn et al. teach a mattress comprising a central metallic spring unit (10) on which is disposed a first sisal layer (12); a cotton layer (15); a plastic layer (17) having a plurality of perforations therethrough (col. 2, lines 26-47); and an outer textile padded layer (18). With respect to the limitation of a second sisal layer, it is noted that the applicant has not shown or demonstrated that this particular layer is critical for the practice of the invention or is

Art Unit: 3673

otherwise beyond the ordinary level of skill in the art. Because it can be assumed that the skilled artisan would vary the components used in the construction of an invention as needed, this particular layer is considered to be within the ordinary level of skill in the art and its use to be obvious to the skilled artisan. Accordingly, it would have been obvious to include a second sisal layer between the fabric and plastic layers of Sohn et al. for further cushioning. Also, Sohn is silent to whether the plastic layer is of a rubber. Blecker et al. teach a multiple layer cushion comprising a perforated rubber layer (col. 2, lines 23-27). Sohn et al. and Blecker et al. are analogous because they are from the same field of endeavor, i.e. multiple layered cushions. It would have been obvious to modify the plastic layer of Sohn et al. with the rubber layer of Blecker et al. The motivation would have been to provide an alternative cushioning material as known in the art (Blecker: col. 2, lines 25-27). Therefore, it would have been obvious to modify the invention to Sohn et al. as specified in claim 5. With respect to the limitation wherein said outer textile padded layer is sewn to the rubber layer, it is well known to stitch and/or sew together layers of a cushion/mattress to prevent shifting of the layers when in use. Furthermore, while Sohn et al. only teach the specified layers on one face of said springs, it is well known in the art to manufacture multiple-layered mattresses in a symmetrical fashion [i.e. the same layers on both faces of the central spring unit - as can be seen by Blecker et al. (US 3,255,469) and Haller (US 3,493,980)]. Accordingly, it would have been obvious to manufacture the mattress to Sohn et al. in a symmetrical fashion.

Art Unit: 3673

Regarding claim 6, as best understood, Sohn et al. as modified, teach the outer textile padded layers (see figure 1 of Sohn et al.).

With regards to claims 7-8, the modified invention makes up a ventilated unit dissipating heat, with an ergonomic fitting made up by the natural latex and the metallic spring unit in combination.

In regards to claim 9, it is well known to provide multiple perforated rubber layers as shown in figure 3 to Blecker et al. (members 18 and 20).

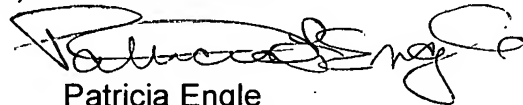
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan J. Liu whose telephone number is (571) 272-8227. The examiner can normally be reached on Monday through Friday, 8 am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia Engle can be reached on (571) 272-6660. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3673

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Patricia Engle
Supervisory Patent Examiner
Art Unit 3673

3-1-07

Jonathan Liu
Patent Examiner
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